

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed October 27, 2003. Currently, claims 1-10 and 12-20 are pending.

I. Summary of the Rejections

Claims 1, 4-10, 12 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,992,233 (Clark) or U.S. Patent 6,250,156 (Seshia et al.) or U.S. Patent 6,296,779 (Clark et al.).

Claims 2-3 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over either U.S. Patent 5,992,233 (Clark) or U.S. Patent 6,250,156 (Seshia et al.) or U.S. Patent 6,296,779 (Clark et al.) in view of U.S. Patent 6,230,563 (Clark et al.)

II. Summary of the Amendments

Claims 1, 4, 13 and 20 have been amended.

III. Remarks

The Examiner's remarks in response to the Previous amendment are greatly appreciated. The inclusion of Exhibit A has served to greatly clarify the Examiner's interpretation of the claim language and the prior art.

The claims have been amended in light of the remarks in the Final Office Action. Entrance of this Amendment is requested and such amendments were not earlier presented as the Examiner's interpretation of the claims as set forth in the Final Office action was not clear. It is submitted that the instant Amendment will serve to place the application in condition for allowance.

It is respectfully submitted that Claims 1-10, and 12 - 20 are now in condition for allowance.

Claim 1 has been amended to recite:

... said at least one second finger extending substantially parallel to said first displacement axis, terminating between and having a least a portion neighboring each of said two first fingers, wherein said portion of said at least one second finger is substantially closer to one of the two first fingers between which said at least one second finger terminates; and

an electrical circuit providing a position-dependent electrostatic force having a magnitude varying in proportion to relative displacement of said at least one second finger to the two first fingers along said first displacement axis.

This language makes clear that the “second finger” has “at least a portion neighboring” each of said first two fingers. Under the Examiner’s interpretation of the prior art, fingers 38 (left first finger in Exhibit A) and 38 (far right first finger) do not both neighbor “second finger” 76b. The language further makes clear that the “electrical circuit” provides the “position-dependent electrostatic force varying in proportion to the relative displacement of said at least one finger to the two first fingers...” This is not possible in the prior art, as there are intervening fingers (finger 76a, for example) between the “two first fingers” under the Examiner’s interpretation. Hence, the result is that capacitive coupling occurs between the second finger and both of the first two fingers, because they neighbor each other. Again, in Fig. 6 of the prior art, the fingers 38 (left first finger in Exhibit A) and 38 (far right first finger in Exhibit A) do not both form capacitive coupling with “second finger” 76b because of the presence of finger 76a.

This feature provides the nonzero force for quadrature-error cancellation in the present invention, as detailed at pages 15 and 16 of the specification.

It is respectfully submitted that this feature of the present invention is not found in the prior art. Since each and every element of the claimed invention is not found in the prior art, and hence claim 1 is allowable.

Claims 4, 13 and 20 include language similar to the foregoing language of claim 1. Claim 20 further delineates that:

wherein each said portion of said second finger is substantially closer to one of the two first fingers between which said at least one second finger terminates, *thereby forming a capacitor with each of the first two fingers*

For the reasons set forth above, it is respectfully submitted that claims 4, 13 and 20 are allowable over the art of record since they include a feature not disclosed therein.

It is further respectfully submitted that claim 5-10 and 12, all being dependent from claim 4, are likewise allowable.

It is further respectfully submitted that claims 2 – 3 and 13 – 19 are not obvious in view of Clark, Seshia et al. or Clark et al. ('779) in view of Clark et al ('563). The prior art fails to teach a critical feature of the present invention, namely the structural relationship of the first finger set to that “second finger” set forth above. One of average skill in the art with knowledge of the Clark, Seshia et al. and Clark et al. ('779) references could not be led to construct the invention as the references fail to teach a fundamental feature of the invention. Hence, it is respectfully submitted that claims 2 – 3 and 13 – 19 are not obvious.

In view of the above Amendments and Remarks, reconsideration of claims 1-10 and 12-20 is requested.

Request For Interview

Should the Examiner believe that a telephonic interview with Applicant's attorney would advance the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 4-27-04

By: 
Larry E. Vierra
Reg. No. 33,809

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 Market Street, Suite 540
San Francisco, California 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665